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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,097	01/29/2002	James Friskel	049050-5010	1197

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Mr. James Hao
Wagner, Murabito & Hao
2 North Market Street
3rd Floor
San Jose, CA 95113

EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,097

Applicant(s)

FRISKEL, JAMES

Examiner

Ba Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-12 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) 17-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-12,14-16,24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly submitted claims 17-23 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application contains claims 17-23 directed to the following patentably distinct species of the claimed invention other than the claims originally presented:

Specie I: Claim 17, recites elements of the first graphical image of claim 1.

Specie II: Claim 18-21, recite a rules engine and its functions operable with the method of claim 1.

Specie III: Claims 22-23, recite specific parameters of the second computer file.

Wherein currently, 1 is generic.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-23 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 24-25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US patent #5,940,078 (Nagarajayya et al).

- As for claims 1, 8-10, 12, 14, 15: Nagarajayya et al teach a computer implemented method and corresponding system, the computer connected in a network (figure 5), for displaying a first graphical image (e.g., the window, tool bar, menu, icon...) corresponding to a user interface for an application program running in a computer system (3:20-25), wherein the first graphical image comprises a full extent and an external boundary (extends outside and borders the mail envelop) of the visible user interface (figure 2), comprising the steps/means for defining a first graphical image in a first computer file wherein the first computer file comprises graphical images of a mail envelop, an inner rectangular frame, an outer rectangular frame, wherein the graphical

images are dynamically updated corresponding to a state of the visible user interface (3:59-62, 5:44-48), a plurality of parameters corresponding to the first graphical image (5:5-44), and processing the first computer file in accordance with the plurality of parameters to display the first graphical image (6:1-55; fig. 1). The parameters specify the configuration (e.g., dimension, orientation...) of the graphical element thus it appears that a configuration file ("second computer file") storing configuration parameters of graphical elements is implicitly included in Nagarajayya et al. Even if it is not, it would have been obvious to one of skill in the art, at the time of the invention was made, to store the configuration parameter in a file. Motivation of the implementation is for the ease of information accessing and processing.

- As for claim 4: The parameters define a location (e.g., dimension and orientation) of the graphical elements, as appeared on the display (5:5-44; figure 1). Each graphical element is associated with an activation type depending upon its property.
- As for claim 5: The activation one of the icon (or tab) points to a third computer file comprising a plurality of parameters corresponding to the display of a second graphical image. E.g., activating icon 140 points to a second image file of the icon and a configuration file defining display parameters of the icon (3:59-62, 5:50-60). Considering also the displaying of the tab panels.
- As for claims 6, 24, 25: The plurality of states of the icon 140 comprises a default state, a selected state, and an activated state (4:51-54).

- As for claim 7: Each window, panel, icon in figure 1 comprises a rectangular polygon corresponding to an external boundary defined by its display parameters stored in the configuration file. Implementation graphical image having non-rectangular polygon is well known and would have been obvious to one of skill in the art for design preference. An image element can be partitioned into multiple shading or color regions (3:41-48, 4: 32-37).

Nagarajayya et al fail to clearly teach that the image element comprises a transparent region. However, Official notice is taken that implementation of an image element having a transparent region is well known in the art of graphical user interface. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of transparency image region to Nagarajayya et al. Motivation of the combining is for the advantage of seeing through in overlapping display control.

- As for claim 11: The graphic engine for accessing the computer files is inherently included in Nagarajayya et al teaching of displaying the graphic images of the graphical elements.
- As for claim 16: Nagarajayya et al fail to clearly teach that one of the files is dynamically updated by a server computer. However Official notice is taken that implementation of dynamically updating either an image file or configuration file at a server is well known in the art (see US Patent Application Publication 20020010757). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known

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implementation of dynamically updating either an image file or configuration file at a server to Nagarajayya et al's computer network. Motivation of the combining is for generating an up-to-date display.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

REMARKS:

Regarding the "full extent and external boundary" limitation, figure 2 discloses an email icon having a border frame extends fully outside of the mail envelope. Icon 140 of figure 2 is dynamically updated to display a sequence of images 2b, 2c, 2d corresponding to the state of the icon. In response to the argument that there is no motivation to change the appearance of the "whole GUI", the limitation "whole GUI" is not recited in the claim. Nagarajayya discloses changing the appearance of icon 140 as seen in figure 2.

In response to the argument that Nagarajayya does not teach an activation that can be reside on any portion of the visible user interface, figure 2 discloses that the user may activate icon 140 by clicking on any portion of the icon 140, i.e., the activation resides on any portion of the icon 140.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794 (after 10/12/04: (571) 272-4138). The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ba Huynh
Primary Examiner
AU 2179
4/22/05


~~BA HUYNH
PRIMARY EXAMINER~~